

ASSEMBLY BILL NO. 494—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE SUNSET SUBCOMMITTEE)

MARCH 25, 2013

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the Nevada State
Funeral Board. (BDR 54-573)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Nevada State Funeral Board; revising the name of the Board and provisions governing the powers, duties and membership of the Board; requiring the Board to submit certain reports to the Sunset Subcommittee of the Legislative Commission; requiring the expiration of the term of any member of the Board serving on October 1, 2013; requiring the termination of the employment of any employee of the Board employed on October 1, 2013; requiring the Board to maintain a principal office in this State; establishing a regulatory fee per written and signed agreement for funeral services to be furnished in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Under existing law, the Nevada State Funeral Board licenses and regulates
2 funeral directors, embalmers, apprentice embalmers, the owners of funeral
3 establishments and certain persons who conduct cremations and burials. (Chapter
4 642 of NRS) The Board also licenses and regulates the operators of crematories and
5 cemeteries, and regulates certain aspects of the operation of cemeteries. (NRS
6 451.635, 451.640, 452.026, 452.310-452.590)
7 **Section 1** of this bill renames the Board as the Nevada Funeral and Cemetery
8 Services Board and revises the composition of the Board.
9 Existing law requires the Board to meet at least once every year and authorizes
10 the Board to hold special meetings if the proper discharge of its duties requires.



* A B 4 9 4 R 2 *

11 (NRS 642.050) **Section 2** of this bill instead requires the Board to meet at least
12 once every calendar quarter.

13 Existing law authorizes the Board to maintain offices in as many localities in
14 this State as it finds necessary and to employ attorneys, investigators and other
15 professional consultants and clerical personnel necessary to discharge its duties.
16 (NRS 642.055) **Section 3** of this bill requires the Board to: (1) maintain a principal
17 office in this State; (2) employ an Executive Director and inspectors in addition to
18 the personnel that the Board is required by existing law to employ; (3) maintain
19 certain documents in its principal office; (4) establish minimum qualifications for
20 the Executive Director, attorneys, investigators, inspectors and other employees of
21 the Board; and (5) maintain an Internet website and post on the website the minutes
22 of its meetings, notices and any other documents prepared by the Board for public
23 information purposes.

24 **Section 5** of this bill requires the Board to charge and collect a regulatory fee
25 for each written and signed agreement for funeral services to be furnished in this
26 State, payable only once with respect to the remains of a deceased person.

27 **Section 6** of this bill provides that the term of any current member of the Board
28 expires on October 1, 2013, and provides for the appointment of new membership.

29 **Section 6** also provides for the termination of the employment of any person
30 employed by the Board on October 1, 2013, and requires the employment by the
31 Board of new staff on or before December 31, 2013.

32 **Section 7** of this bill requires the Board to prepare and submit a written report
33 of its activities to the Sunset Subcommittee of the Legislative Commission every 6
34 months until the 78th Session of the Nevada Legislature convenes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 642.020 is hereby amended to read as follows:
2 642.020 1. The Nevada ~~{State}~~ *Funeral and Cemetery*
3 *Services* Board, consisting of ~~{five}~~ *seven* members appointed by
4 the Governor, is hereby created.

5 2. The Governor shall appoint:

6 (a) ~~{One member}~~ *Two members* who ~~{is}~~ *are* actively engaged
7 as a funeral director ~~{and}~~ *or* embalmer.

8 (b) One member who is actively engaged as an operator of a
9 cemetery.

10 (c) One member who is actively engaged in the operation of a
11 crematory.

12 (d) ~~{Two}~~ *Three* members who are representatives of the general
13 public.

14 3. No member *of the Board* who is a representative of the
15 general public may:

16 (a) Be the holder of a license or certificate issued by the Board
17 or be an applicant or former applicant for such a license or
18 certificate.

19 (b) Be related within the third degree of consanguinity or
20 affinity to the holder of a license or certificate issued by the Board.



1 (c) Be employed by the holder of a license or certificate issued
2 by the Board.

3 4. After the initial terms, members of the Board serve terms of
4 4 years, except when appointed to fill unexpired terms.

5 5. The Chair of the Board must be chosen from the members of
6 the Board who are representatives of the general public.

7 **Sec. 2.** NRS 642.050 is hereby amended to read as follows:

8 642.050 1. The Board shall meet at least once every ~~year,~~
9 *calendar quarter*, and may also hold special meetings, if the proper
10 discharge of its duties requires, at a time and place to be fixed by the
11 rules and bylaws of the Board. The rules and bylaws of the Board
12 must provide for the giving of timely notice of all special meetings
13 to all members of the Board and to all applicants for licenses or
14 certificates.

15 2. Four of the members of the Board at any meeting may
16 organize and constitute a quorum for the transaction of business.

17 **Sec. 3.** NRS 642.055 is hereby amended to read as follows:

18 642.055 The Board ~~may~~ *shall*:

19 1. Maintain *a principal office in this State, and such other*
20 offices in as many localities in the State as it finds necessary to carry
21 out the provisions of this chapter and chapters 451 and 452 of NRS.

22 2. Employ *an Executive Director and* attorneys, investigators ,
23 *inspectors* and other professional consultants and clerical personnel
24 necessary to the discharge of its duties.

25 3. *Maintain all financial records, records relating to licenses,*
26 *certificates and permits, meeting minutes, notices and other public*
27 *documents of the Board in its principal office.*

28 4. *Establish minimum qualifications for the Executive*
29 *Director, attorneys, investigators, inspectors, and other*
30 *professional consultants and clerical personnel employed by the*
31 *Board.*

32 5. *Maintain an Internet website and post on that Internet*
33 *website the minutes of its meetings, notices and any other*
34 *documents prepared by the Board for public information*
35 *purposes.*

36 **Sec. 4.** NRS 642.067 is hereby amended to read as follows:

37 642.067 The Board ~~may inspect any premises in which the~~
38 ~~business of funeral directing is conducted or where embalming is~~
39 ~~practiced and, for that purpose, may~~ *shall* employ ~~fa licensed~~
40 ~~embalmer of the State of Nevada as~~ an inspector to aid in the
41 enforcement of this chapter and chapters 451 and 452 of NRS and
42 the regulations adopted pursuant thereto, whose compensation and
43 expenses ~~shall~~ *must* be paid out of the fees collected by the Board.
44 *The inspector shall, at least once every 2 years and at the direction*
45 *of the Board, conduct an inspection of every premises in this State*



1 *at which the business of funeral directing is conducted or*
2 *embalming is practiced. A member of the Board shall not conduct*
3 *any such inspection.*

4 **Sec. 5.** NRS 642.0696 is hereby amended to read as follows:

5 642.0696 **1.** In addition to the fees that the Board is
6 authorized or required to collect pursuant to the provisions of a
7 specific statute, the Board shall charge and collect the following
8 fees:

9		
10	Application for a license, certificate or permit	\$375
11	Examination for a license, certificate or permit	375
12	Renewal of a license, certificate or permit	200
13	Late renewal of a license, certificate or permit	275
14	Placement of a license on inactive status	175
15	Reactivation of a license to active status	175
16	Reinstatement of a lapsed license	300
17	Transfer of a license, certificate or permit to another	
18	location	225
19	Issuance of a duplicate license, certificate or permit	75
20	Provision of an administrative service	75
21	<i>Regulatory fee, per written and signed agreement</i>	
22	<i>for funeral services to be furnished in this State.....</i>	10
23		

24 **2.** *The regulatory fee of \$10 prescribed in subsection 1 may*
25 *only be charged once with respect to the remains of a deceased*
26 *person and only at such time as an agreement for funeral services*
27 *is fully executed, regardless of:*

28 *(a) The number of funeral services furnished;*

29 *(b) Whether such funeral services are furnished by more than*
30 *one holder of a license, certificate or permit issued by the Board;*
31 *or*

32 *(c) Whether a subsequent agreement for funeral services is*
33 *executed.*

34 **3.** *As used in this section, “funeral services” means those*
35 *services performed normally by funeral directors or funeral or*
36 *mortuary parlors, including, without limitation, crematory and*
37 *embalming services.*

38 **Sec. 6.** 1. The term of any member of the Nevada State
39 Funeral Board appointed pursuant to subsection 2 of NRS 642.020
40 serving on October 1, 2013, expires on that date.

41 2. As soon as practicable on or after October 1, 2013, the
42 Governor shall appoint to the Nevada Funeral and Cemetery
43 Services Board the members required to be appointed pursuant to
44 subsection 2 of NRS 642.020, as amended by section 1 of this act.



1 3. The employment of any person employed by the Nevada
2 State Funeral Board pursuant to subsection 2 of NRS 642.055 on
3 October 1, 2013, must be terminated on that date.

4 4. The Nevada Funeral and Cemetery Services Board shall
5 employ new staff pursuant to subsection 2 of NRS 642.055, as
6 amended by section 3 of this act, on or before December 31, 2013.

7 **Sec. 7.** The Nevada Funeral and Cemetery Services Board
8 created pursuant to NRS 642.020, as amended by section 1 of this
9 act, shall, not later than 6 months after the appointment of all the
10 members of the Board pursuant to section 6 of this act, and every 6
11 months thereafter until the 78th Session of the Nevada Legislature
12 convenes, prepare and submit a written report of its activities,
13 including the inspection of any premises at which the business of
14 funeral directing is conducted or embalming is practiced, to the
15 Sunset Subcommittee of the Legislative Commission created by
16 NRS 232B.210. The report must include, without limitation, any
17 minutes of meetings of the Board, any records kept and any
18 documentation pertaining to the inspection of any premises at which
19 the business of funeral directing is conducted or embalming is
20 practiced.

21 **Sec. 8.** The Legislative Counsel shall, in preparing
22 supplements to the Nevada Administrative Code, appropriately
23 change any references to an officer, agency or other entity whose
24 name is changed or whose responsibilities are transferred pursuant
25 to the provisions of this act to refer to the appropriate officer,
26 agency or other entity.

